

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

DAVID LORENZA JOYNER, #1230707	§	
	§	
VS.	§	CIVIL ACTION NO. G-06-728
	§	
THOMAS A. DAVIS, JR., ET AL.	§	

ORDER

Each of the Defendants who have appeared in this action have asserted some form of immunity from liability against the federal claims asserted by Plaintiff, David Lorenza Joyner, in this recently removed civil action. Because the assertion of immunity protects the Defendants from discovery, Mitchell v. Forsyth, 472 U.S. 511, 526 (1985), the Court is of the opinion that the following Orders are appropriate.

The Defendants **SHALL** file any dispositive motions based on their claims of immunity **on or before March 30, 2007**.


If any dispositive motions are filed, Plaintiff **SHALL** have his response to each such Motion **physically** on file within 30 days after the filing of such Motion but **no later than Monday, April 30, 2007**.

If any Defendant fails to file a dispositive Motion the Court **WILL** consider each such Defendant's immunity defense waived and **WILL** set a prompt Scheduling Conference with the Parties to establish a Docket Control Order for the final disposition of those causes.

The Court notes that named Defendants, Thomas A. Davis, Jr. and Dudley M. Thomas, have apparently not yet been served, therefore, Joyner is reminded that due to his accumulation of "Three-Strikes" under 28 U.S.C. § 1915(g), it is his obligation, under Rule 4(m) of the Federal

Rules of Civil Procedure to serve both Davis and Thomas **within 120 days** of the removal of this action, **or no later than Monday, March 19, 2007.** Failure to timely serve Davis and Thomas will result in the dismissal of all federal claims asserted against them by Joyner in his complaint.

DONE at Galveston, Texas, this 30th day of January, 2007.



John R. Froeschner
United States Magistrate Judge